

He would not provide a clear answer on whether he supported Lina Khan's decision to remove key procedural requirements attached to FTC rulemaking—the very statutory, procedural requirements that were instituted in direct response to the Agency's flagrant abuses of its own power in the 1970s.

And he openly supports Lina Khan's decision to close out the voice of minority commissioners to approve investigations—an action that has destroyed a bipartisan hallmark of the Commission.

Mr. Bedoya did not earn my confidence in his hearing. His nomination is not designed to strengthen American business or bolster our economy. Instead, his nomination will give the Commission the majority it needs to take American economic regulation out of the hands of elected lawmakers.

We have to remember that the very first clause of the very first section of the very first article of the Constitution says that all legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives. In other words, all Federal lawmaking power—legislative powers or lawmaking powers—the power to make Federal law as articulated in article I, section I, clause 1—is vested in Congress, not in an outside Agency.

Article I, section VII puts even more clarity on it in explaining that, in order to pass a Federal law, you have got to have passage by the Senate and passage by the House of the same piece of legislation, followed by presentment to the President, resulting in signature, veto, or acquiescence. Without that, you cannot make a Federal law.

When we pretend to make Federal lawmakers outside of Congress, we have got to be very careful because this is subversive of the entire purpose of the Constitution, putting in the most dangerous power—the power to make prescriptive laws, the power to make laws adding to, altering, materially changing the obligations of members of the public. You have got to go through the branch of government that is most accountable to the people at the most regular intervals.

That is why this is so concerning that you have in Mr. Bedoya, like you have in Lina Khan, someone who doesn't fear this type of unaccountable, de facto lawmaking, not only outside of what the Constitution can countenance fairly but also outside of basic standards of accountability and good government.

For all of these reasons, I fear that Mr. Bedoya will not only enable but will support the blatant attempts made by Lina Khan to return the FTC to its status as the "National Nanny" and, ultimately, the national enemy.

Under her leadership, the FTC has shown disregard for the input of minority commissioners and has been frustrated by the legal limits surrounding

the FTC's authority. Lina Khan is not afraid to lead the Agency on a path that ignores legal, constitutional, and procedural roadblocks in its way.

I am committed to reversing the dangerous trajectory of the FTC; to making sure that we don't return to the 1970s era of the FTC's being the nanny of the nanny state; and to making sure that we restore the FTC's accountability to Congress and, ultimately, to the people.

We have to remember that true accountability in our system of government—accountability related to what the law is and how the law is written—always has to be with Congress. That is why article I is written the way that it is. It is why this is something that has to be understood appropriately as a nondelegable duty—that is, the power to make law.

We have got to restore that accountability, and I fear that Mr. Bedoya will only further enable the radical takeover of the Federal Trade Commission. I, therefore, cannot and will not support his nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak for up to 90 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LAEL BRAINARD

Mr. BROWN. Madam President, as America faces rising prices caused by corporate greed in a global pandemic and Putin's war, having a full Fed Board has never been more vital. Today, we take the first step.

Dr. Brainard is a highly qualified economist with decades of experience. She served as a member of the Board of Governors of the Federal Reserve since 2014. She championed efforts to modernize and strengthen the Community Reinvestment Act. She is committed to addressing and staying ahead of financial risks to our economy. She has a long history of bipartisan support and collaboration. She served in administrations of both parties.

I urge my colleagues to support the nomination and to vote for Lael Brainard to the Federal Reserve.

VOTE ON BRAINARD NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Brainard nomination?

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY), the Senator from Delaware (Mr. COONS), the Senator from Connecticut (Mr. MURPHY), the Senator from Michigan (Mr. PETERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—52

Baldwin	Heinrich	Rosen
Bennet	Hickenlooper	Rounds
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Collins	Lujan	Stabenow
Cortez Masto	Lummis	Tester
Crapo	Manchin	Van Hollen
Duckworth	Markey	Warner
Durbin	Menendez	Warnock
Feinstein	Merkley	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Young
Hagerty	Padilla	
Hassan	Reed	

NAYS—43

Barrasso	Grassley	Risch
Blackburn	Hawley	Romney
Blunt	Hoeben	Rubio
Boozman	Hyde-Smith	Sasse
Braun	Inhofe	Scott (FL)
Burr	Johnson	Scott (SC)
Capito	Kennedy	Shelby
Cassidy	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Marshall	Tillis
Cramer	McConnell	Toomey
Cruz	Moran	Tuberville
Daines	Murkowski	Wicker
Ernst	Paul	
Fischer	Portman	

NOT VOTING—5

Casey	Murphy	Wyden
Coons	Peters	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—ORDER OF PROCEDURE

Mr. BROWN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the Cook nomination occur at a time to be determined by the majority leader following consultation with the Republican leader; further, that prior to April 29, 2022, the